

REMARKS

As requested in the Office Action, submitted herewith is an Information Disclosure Statement. Also submitted herewith is a Declaration that identifies this application by application number and filing date as required by 37 CFR §1.67(a).

The Office Action has rejected claims 1 – 12 under 35 U.S.C. §112, first paragraph, as containing subject matter which is not enabled. In making this rejection, the Office Action referred to certain diseases and disorders referred to in Bürkle and further stated that the treatment of tumors was unduly broad and unsupported. Claim 8 is a composition claim, not a method of treatment claim. Accordingly, this rejection should not apply to claim 8. Claim 9 has been cancelled and claim 10 has been amended to more specifically recite the diseases and disorders being treated as supported by the application, Bürkle and other publications. Withdrawal of this rejection is requested.

In this regard, applicants have added new method of treatment claim 10.

The Office Action also rejected claims 1-12 under 35 U.S.C. §112, second paragraph, on various grounds.

Applicants have amended the claims to address items a) through e) of this rejection. With regard to item a), when w is O in the definition of B wherein B is L_v-YM_w , one of ordinary skill in the art would appreciate that Y does not exist. No new matter is involved in any of the amendments made to the claims. Withdrawal of the §112, second paragraph rejection is requested.

The rejection of claim 9 under 35 U.S.C. §101 is now moot in view of the cancellation of claim 9.

The Office Action rejected claims 1 and 8 under 35 U.S.C. §102(b) as being anticipated by Breslin et al. The present claims allow the possibility that B is a mono-, bi or tricyclic ring or a radical L_v-Y-M_v but the radical cannot be SH since M cannot be H when v is O and Y is S. Thus, claims 1 and 8 are not anticipated by Breslin et al. and this rejection should be withdrawn.

It is submitted that claim 12 is proper. It is dependent on claim 11 but the substituents are as defined in claim 1.

Favorable consideration and allowance of claims 1-8 and 10-13 is respectfully requested.

If any fees are incurred as a result of the filing of this paper, authorization is given to charge Deposit Account No. 23-0785.

Respectfully submitted,

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Date: May 4, 2004

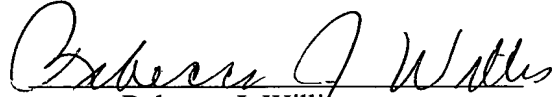
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CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Non-Fee, Commissioner for Patents, Alexandria, Virginia 22313-1450 on May 4, 2004.


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